

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONALD ALFORD,

Petitioner,

v.

ROBERT WERLINGER, Warden,
Federal Correctional Institution - - Oxford,

Respondent.

ORDER

12-cv-607-wmc

Petitioner Donald Alford filed this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the validity of his sentence. Noting that Alford raised claims that had been rejected previously in *Alford v. Holinka*, 11-cv-273-wmc (W.D. Wis. June 13, 2012), and in other contexts, the court dismissed the petition with prejudice as an abuse of the writ. Alford has now filed a notice of appeal and he requests leave to proceed without prepayment of the appellate docketing fee. That request will be denied.

In determining whether a litigant is eligible to proceed *in forma pauperis* on appeal, the court must find that he is indigent and, in addition, that the appeal is taken in good faith for purposes of Fed. R. App. P. 24(a)(3). *See* 28 U.S.C. § 1915(a)(3) (“An appeal may not be taken *in forma pauperis* if the court certifies in writing that it is not taken in good faith.”). In view of Alford’s record of repetitive, abusive filings, the court cannot certify that his appeal is taken in good faith. Accordingly, his request for leave to proceed *in forma pauperis* on appeal must be denied.

ORDER

IT IS ORDERED that:

1. The court CERTIFIES that the appeal is not taken in good faith for purposes of Fed. R. App. P. 24(a)(3).
2. Petitioner Donald Alford's request for leave to proceed *in forma pauperis* on appeal is DENIED.
3. Although this court has certified that the appeal is not taken in good faith under Fed. R. App. P. 24(a)(3), Alford is advised that he may challenge this finding pursuant to Fed. R. App. P. 24(a)(5), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, United States Court of Appeals for the Seventh Circuit, within thirty (30) days of the date of this order.

Entered this 14th day of May, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge